

111TH CONGRESS
1ST SESSION

H. R. 1377

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2009

Mr. FILNER introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXPANSION OF VETERAN ELIGIBILITY FOR RE-**
4 **IMBURSEMENT BY SECRETARY OF VETERANS**
5 **AFFAIRS FOR EMERGENCY TREATMENT FUR-**
6 **NISHED IN A NON-DEPARTMENT FACILITY.**

7 (a) EXPANSION OF ELIGIBILITY.—Section 1725 of
8 title 38, United States Code, is amended—

1 (1) in subsection (b)(3)(C), by striking “or in
2 part”; and

3 (2) in subsection (f)(2), by striking subpara-
4 graph (E).

5 (b) LIMITATIONS ON REIMBURSEMENT.—Subsection
6 (c) of such section is amended by adding at the end the
7 following new paragraph:

8 “(4)(A) If the veteran has contractual or legal re-
9 course against a third party that would only, in part, ex-
10 tinguish the veteran’s liability to the provider of the emer-
11 gency treatment, and payment for the treatment may be
12 made both under subsection (a) and by the third party,
13 the amount payable for such treatment under such sub-
14 section shall be the amount by which the costs for the
15 emergency treatment exceed the amount payable or paid
16 by the third party, except that the amount payable may
17 not exceed the maximum amount payable established
18 under paragraph (1)(A).

19 “(B) In any case in which a third party is financially
20 responsible for part of the veteran’s emergency treatment
21 expenses, the Secretary shall be the secondary payer.

22 “(C) A payment in the amount payable under sub-
23 paragraph (A) shall be considered payment in full and
24 shall extinguish the veteran’s liability to the provider.

1 “(D) The Secretary may not reimburse a veteran
2 under this section for any copayment or similar payment
3 that the veteran owes the third party or for which the vet-
4 eran is responsible under a health-plan contract.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 subsections (a) and (b) shall apply with respect to emer-
7 gency treatment furnished on or after October 8, 2007.

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